

2023-1217
IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

US SYNTHETIC CORP.,
Appellant

v.

INTERNATIONAL TRADE COMMISSION,
Appellee

SF DIAMOND CO., LTD., SF DIAMOND USA, INC., ILJIN DIAMOND CO.,
LTD., ILJIN HOLDINGS CO., LTD., ILJIN USA INC., ILJIN EUROPE GMBH,
ILJIN JAPAN CO., LTD., ILJIN CHINA CO., LTD., INTERNATIONAL
DIAMOND SERVICES, INC., ZHENGZHOU NEW ASIA SUPERHARD
MATERIAL COMPOSITE CO., LTD., SHENZHEN HAIMINGRUN
SUPERHARD MATERIALS CO., LTD., GUANGDONG JUXIN NEW
MATERIAL TECHNOLOGY CO., LTD.,
Intervenors

Appeal from the United States International Trade
Commission in Investigation No. 337-TA-1236

UNOPPOSED MOTION OF APPELLANT US SYNTHETIC CORP.
FOR AN EXTENSION OF TIME TO FILE REPLY BRIEF

Pursuant to Federal Circuit Rules 26(b) and 31(a), Appellant US Synthetic Corporation (“Appellant” or “USS”) moves for a 52-day extension of time to file its reply brief. The brief is currently due on September 18, 2023. The 52-day extension of time will extend the due date to November 9, 2023. USS previously requested and

received a 60-day extension of time for filing its opening brief (D.I. 31). Counsel for Appellee and Intervenors do not oppose the requested extension.

As explained in the accompanying declaration, this motion is made in good faith by counsel and not for the purpose of delay or other procedural advantage. The requested extension is needed to account for the time lost due to professional obligations. It will allow Appellant and its counsel sufficient time to fully prepare its reply brief in response to Appellee's and Intervenor's briefs.

For the foregoing reasons, USS respectfully requests a 52-day extension of time within which to file its reply brief, up to and including November 9, 2023.

Date: September 8, 2023

Respectfully submitted,

/s/ Daniel C. Cooley

Daniel C. Cooley

J. Derek McCorquindale

Brandon T. Anderson

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

1875 Explorer Street, Suite 800

Reston, VA 20190-6023

(571) 203-2700

James R. Barney

Mareesa A. Frederick

Christina Ji-Hye Yang

Alexander E. Harding

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

901 New York Avenue, NW

Washington, DC 20001-4413

(202) 408-4000

*Attorneys for Appellant US Synthetic
Corporation*

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DECLARATION OF DANIEL C. COOLEY

I, Daniel C. Cooley, declare as follows:

1. I am an attorney with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP. I am the principal counsel for US Synthetic Corporation (“USS”) in this appeal.

2. I submit this declaration in accordance with Federal Circuit Rule 26(b)(3) and in support of USS's motion for a 52-day extension of time to file its reply brief.

3. All facts set forth in USS's motion are, to the best of my knowledge, true and correct, and are based either on my personal knowledge or on conversations I have had with other attorneys working on this appeal.

4. USS requests an extension of time of 52 days to file its reply brief to account for professional obligations.

5. This motion is made in good faith and not for the purpose of delay or other procedural advantage.

6. Counsel for the Appellee and Intervenor have indicated that they do not oppose this request.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Date: September 8, 2023

Respectfully submitted,

/s/ Daniel C. Cooley

Daniel C. Cooley

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number: 2023-1217

Short Case Caption: US Synthetic Corp. v. ITC

Filing Party/Entity: US Synthetic Corp.

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: September 8, 2023 Signature: /s/ Daniel C. Cooley

Name: Daniel C. Cooley

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
US Synthetic Corporation		ChampionX Corporation

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this **court** for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Kelly S. Horn Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	Yicong (Eve) Du Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	Smith R. Brittingham, IV Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
David K. Mroz Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	Michael E. Kudravetz Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	Robert K. High Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Sonja Salhsten Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	Ruohan (Jack) Li Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (no longer with the firm)	

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☒ Yes (file separate notice; see below) ☐ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2023-1217

Short Case Caption: US Synthetic Corp. v. ITC

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 167 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 09/08/2023

Signature: /s/ Daniel C. Cooley

Name: Daniel C. Cooley